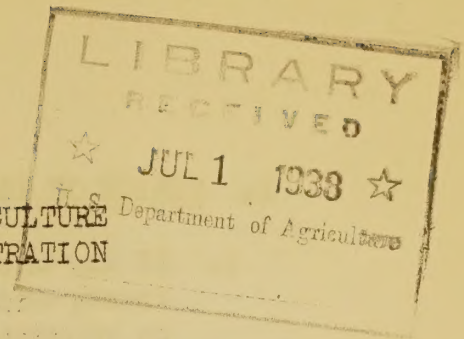


UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION



SOUTHERN DIVISION

COUNTY OFFICE PROCEDURE FOR THE DISPOSITION OF UNDELIVERED OR LOST
CHECKS AND THE PRESENTATION OF ADJUSTMENT APPLICATIONS PERTAINING
TO PAYMENTS UNDER THE 1937 AGRICULTURAL CONSERVATION PROGRAM

SECTION I - PROCEDURE TO BE FOLLOWED IN RETURNING CHECKS

A. TRANSMITTAL TO DISBURSING OFFICE

1. If for one or more of the reasons enumerated below a check which has been issued in connection with any Application For Payment (hereinafter referred to as application) pursuant to the 1937 Agricultural Conservation Program and which has been forwarded to the county office for delivery, cannot be delivered, the check should be returned to the Regional Disbursing Office from which issued (hereinafter referred to as Disbursing Office).
2. Each such check which is returned to the Disbursing Office must be accompanied by a separate letter setting forth
 - (a) the check number,
 - (b) the name of payee,
 - (c) the amount for which the check was drawn,
 - (d) the date of the issuance of the check,
 - (e) the serial number of the application with respect to which the check was drawn,
 - (f) the administrative number of the Form ACP-41C, (or ACP-41D, if applicable) on which the check is listed and
 - (g) the reason or reasons for returning the check.

The county agent should forward to the State office a copy of the letter which accompanies the check to the Disbursing Office. Any forms or statements which are required to be prepared in any of the instances hereinafter enumerated should accompany the copy of the letter of transmittal to the State office or be transmitted as soon thereafter as may be possible.

B. PERIOD OF TIME CHECK MAY BE HELD PENDING DELIVERY

1. If any check remains undelivered for a period of twenty-one days after the receipt thereof, it should be returned to the Disbursing Office as heretofore provided.

SECTION II - PROCEDURE TO BE FOLLOWED WHERE AMOUNT OF CHECK IS LESS THAN THAT DUE

A. DELIVERY OF CHECK

1. A check issued for an amount less than that due may be received and cashed by the payee (applicant) where the error was caused by
 - (a) an incorrect application, or
 - (b) the computing or scheduling of the payment by the State office.
2. The payee should be advised that the act of receiving and cashing the check under the circumstances recited in paragraph 1 above will not affect his right to file a claim for the balance due.
3. Whenever the amount of the payment as shown on Form ACP-41C, (or ACP-41D, if applicable) and the check do not agree, the check must be returned to the Disbursing Office in accordance with the instructions contained in Section I regardless of the fact that the amount of the check may be less than that due.

B. WHERE AMOUNT OF CHECK IS LESS THAN AMOUNT DUE CAUSED BY ERROR IN APPLICATION

1. If the payee desires to file claim for the balance due in instances where the amount of the check is less than that due, caused by reason of an error in the application, the claim must be presented to the State office and must be made on the basis of a new application supported by any other forms or statements which may be required by the State office as evidence of the correctness of the new application. The new application and supporting forms must be executed in accordance with the requirements prescribed for the execution of any original forms, with the exception that only the applicant(s) affected by the claim will be required to sign. The interest of every person, whether affected or not affected by the claim, must be fully shown.

2. The new application must be accompanied by an explanation from the claimant(s) in the form of a statement, in duplicate, which sets forth the circumstances of the case, the administrative number of Form ACP-41C, (or ACP-41D, if applicable) and requests the payment of the balance due. The statement must be signed by every person who signed the new application. The supervisor and county committeeman who signed the original application and the county agent must approve the statement.
3. The serial numbers of the new application and the supporting forms, if any, must be the serial numbers appearing on the original application and forms followed by the word "Adjustment".
4. Whenever the approval and signature of the supervisor is required and the supervisor is no longer employed, the county committee or county agent should state that the supervisor has been discharged and that his corrected records or an additional investigation form the basis of the claim. Such statement will not be required if the adjustment involves changes in data other than performance data.

C. WHERE AMOUNT OF CHECK IS LESS THAN AMOUNT DUE CAUSED BY ERROR IN STATE OFFICE

1. In the event the payee desires to file claim for the balance due in instances where the amount of the check is less than that due by reason of an error in scheduling or computing the payment by the State office a direct request therefor must be made to the State office in the form of a statement over the signature and address of the applicant. The serial number of the application under which the claim is made and the administrative number of Form ACP-41C, (or ACP-41D, if applicable) should be included in the request.
2. There should be submitted a copy of the application under which the claim is made and a certificate of the county agent to the effect that the copy is a true and correct copy of that copy of the application which is on file in his office.

Note: Questions arising under part C above should develop, insofar as possible, only after investigation, e.g., an inquiry made through the proper channels, has indicated that payment for less than the amount due has been certified.

SECTION III - PROCEDURE TO BE FOLLOWED WHERE AMOUNT OF CHECK IS IN EXCESS OF THAT DUE.

A. WHERE AMOUNT OF CHECK IS IN EXCESS OF THAT DUE CAUSED BY ERROR IN APPLICATION

1. The check should be returned to the Disbursing Office in accordance with the instructions contained in Section I whenever the amount of the check is in excess of that due caused by reason of an error in the application.
2. An "Adjustment" application and supporting forms should be prepared to be exact duplicates of the original application and forms, with the exception of the erroneous entries, which should be replaced by corrected entries and submitted to the State office. The supervisor and county committeeman who signed the original application and the county agent must approve the "Adjustment" application and forms.

Note: It is not necessary that the applicant sign the "Adjustment" application.

3. An explanation from the supervisor who signed the original application should be made in the form of a concise statement of the exact nature of the error, which is prepared in duplicate and approved by the county agent and the county committeeman who signed the original application.
4. The serial numbers of the "Adjustment" application and the supporting forms, if any, must be the serial numbers appearing on the original application and forms followed by the word "Adjustment".
5. Whenever the approval and signature of the supervisor is required and the supervisor is no longer employed, the county committee or county agent should state that the supervisor has been discharged and that his corrected records or an additional investigation form the basis of the claim.

B. WHERE AMOUNT OF CHECK IS IN EXCESS OF THAT DUE CAUSED BY ERROR IN STATE OFFICE

1. The check should be returned to the Disbursing Office in accordance with the instructions contained in Section I whenever the amount of the check is in excess of that due by reason of an error in scheduling the payment in the State office.

2. An explanation from the county agent and/or one member of the county committee in the form of a concise statement, in duplicate, of the nature of the error as determined from the information available should be forwarded to the State office.
 3. The statement of explanation should be accompanied by a copy of the application in question and a certificate of the county agent to the effect that the copy is a true and correct copy of that copy of the application which is on file in his office.
- C. WHERE AMOUNT OF CHECK IS IN EXCESS OF THAT DUE CAUSED BY ERROR IN ISSUANCE OF CHECK

1. Whenever the amount of the payment as shown on Form ACP-41C, (or ACP-41D, if applicable) does not agree with the amount of the check, the check should be returned to the Disbursing Office in accordance with the instructions contained in Section I.

SECTION IV - PROCEDURE TO BE FOLLOWED WHERE ADDRESS OF PAYEE IS UNKNOWN

A. ATTEMPT TO LOCATE PAYEE

1. Every effort should be made to locate the payee by writing or making inquiry of his friends, neighbors, the postmaster, or others able to ascertain his new address before the check is returned to the Disbursing Office within the prescribed twenty-one day period.
2. The return of the check to the Disbursing Office does not relieve the necessity of determining the location of the payee and an effort toward that end should be continued in the manner which the circumstances of the case would reasonably seem to require.

B. REQUEST FOR CHECK

1. In the event the payee is located after the check has been returned to the Disbursing Office, the payee should submit a written request therefor over his signature to the State office, through the county office of the county in which the application originated, setting forth
 - (a) the application serial number,
 - (b) the amount of the check,
 - (c) a representation that he is entitled to the payment, and

(d) his present address.

2. The county agent, or a member of the county committee for the county from which the application originated, should certify that the person presenting the claim is entitled to the payment and that his address is correctly stated.

SECTION V - PROCEDURE TO BE FOLLOWED WHERE NAME OF PAYEE IS WRITTEN
INCORRECTLY OR ERRONEOUSLY PLACED ON CHECK

A. ERROR IN APPLICATION

1. The check should be returned to the Disbursing Office in accordance with the instructions contained in Section I whenever the name of the payee is written incorrectly or erroneously placed on the check by reason of an error in the application.
2. An "Adjustment" application should be signed by the applicant affected, the supervisor and county committeeman who signed the original application, and the county agent, but such application is not required to be signed by any applicant not affected by the claim. The "Adjustment" application should be forwarded to the State office.
3. The serial number of the "Adjustment" application must be the serial number of the original application followed by the word "Adjustment".
4. The "Adjustment" application should be accompanied by an explanation from the applicant, the supervisor and the county committeeman who signed the original application, and the county agent in the form of a statement, in duplicate, setting forth the circumstances of the error, the fact that the applicant is entitled to the payment in question, recommending the cancelation of the incorrectly issued check, and the issuance of a new check to the proper person. Whenever possible, the payee whose name was erroneously placed on the check, if such person exists, should prepare a statement to the effect that he has no interest in the check and request that the check which is returned be canceled and a new check issued in the name of the proper person.

5. Whenever the approval and signature of the supervisor is required and the supervisor is no longer employed, the county committee or county agent should state that the supervisor has been discharged and that his corrected records or an additional investigation form the basis of the claim.

B. ERROR IN STATE OFFICE

1. Whenever the check cannot be cashed by reason of the fact the name of the payee is written incorrectly, the check should be returned to the Disbursing Office in accordance with the procedure contained in Section I.
2. There should be forwarded to the State office a statement, in duplicate, signed by the payee and the county agent, or at least one member of the county committee, setting forth the correct name of the payee and requesting the cancelation of the incorrect check and the issuance of a corrected check.
3. The statement of explanation should be accompanied by a copy of the application in question and a certificate of the county agent to the effect that the copy of the application is a true and correct copy of that copy of the application which is on file in his office.

SECTION VI - PROCEDURE TO BE FOLLOWED WHERE TWO OR MORE CHECKS REPRESENTING THE SAME PAYMENT ARE RECEIVED

A. DISPOSITION OF CHECK

1. The check(s) most recently received should be returned to the Disbursing Office whenever two or more checks representing the same payment are received by the County Office and the letter of transmittal should call attention to
 - (a) the issuance of two or more checks representing the same payment, and
 - (b) the number of the check originally received representing this payment.

SECTION VII - PROCEDURE TO BE FOLLOWED WHERE PAYEE REFUSES TO ACCEPT CHECK

A. RETURN OF CHECK

1. The check should be returned to the Disbursing Office in accordance with the instructions contained in Section I whenever the payee refuses to accept the check.
2. A statement, in duplicate, of the reasons given by the payee at the time he refuses to accept the check and, if possible, a statement signed by the payee in which his objections are set forth should be forwarded to the State office by the county agent or the county committee.

B. REQUEST FOR CHECK

1. In the event the payee decides to make claim for the check after it has been returned to the Disbursing Office, the payee should submit a written request therefor over his signature, setting forth
 - (a) the application serial number,
 - (b) the amount of the check,
 - (c) a representation that he is entitled to the payment, and
 - (d) his present address.
2. The county agent or a member of the county committee should certify that the claimant is entitled to the check and that his address is correctly stated.

SECTION VIII - PROCEDURE TO BE FOLLOWED IN CASES WHEREIN THE PAYEE IS DECEASED OR HAS BEEN ADJUDGED INCOMPETENT

A. DISPOSITION OF CHECK

1. Any check drawn payable to the order of a deceased or incompetent payee should be returned to the Disbursing Office in accordance with the provisions of Section I hereof.

B. CLAIMS FOR THE PROCEEDS OF CHECKS DRAWN PAYABLE TO DECEASED OR INCOMPETENT PAYEES

1. Any claim for the proceeds of a check drawn to the order of a deceased or incompetent payee shall be

made on Standard Form No. 1055, "Application For Payment of Amounts Due Deceased or Incompetent Civilian Employees, Officers, and Enlisted Men in the Military Service, and Public Creditors of the United States", which form is to be executed in duplicate.^{1/}

2. Any papers or documents which support the claim shall be attached to the original and duplicate copy of Standard Form No. 1055 when forwarded to the State office.

C. PERSONS WHO MAY CLAIM

1. Any person, whether such person be an heir, the next of kin, creditor, or otherwise, of the decedent, shall be allowed to file a claim.

D. CLAIM BY AN EXECUTOR OR ADMINISTRATOR OF THE ESTATE OF THE DECEDENT

1. Standard Form No. 1055 must be executed in duplicate.
2. Paragraphs 1, 2, 4 and 5 must be properly completed to disclose the information indicated.
3. Any additional facts upon which the claim is based may be set out in paragraph 6(j). Sub-paragraphs (a) to (i) inclusive, of paragraph 6 need not be executed.
4. If the date of the death (or adjudication or declaration of incompetence) and the domicile of the decedent or incompetent are shown in the court order, the certificate of notary public is not to be required.^{2/}
5. Standard Form No. 1055 must be supported by a certified copy of the court order appointing the executor or administrator filing claim or by a short form certificate of appointment. If such

^{1/} If Standard Form No. 1055 has been submitted to the State office prior to the receipt of this SRC-101, no action shall be taken to secure a duplicate. In the preparation of duplicate copies, it is to be noted that it is not necessary that the claimant sign the duplicate copy nor that such duplicate copy be notarized.

^{2/} In the absence of a State statute establishing higher limit, administration will be required where total payments due the estate of the decedent exceed \$500.00. Where a higher limit is established by the law of the domicile of the decedent, the provisions of such statute shall govern as to the amount payable without administration.

certificate or certified copy of the court order making the appointment shows the appointment to have been made more than one year prior to the date upon which the case will be submitted to the General Accounting Preaudit Office, a certification, by the court making the appointment, to the effect that such appointment is still in full force and effect, is to be required of the claimant.

6. Where the decedent died without having left a will and claim is made by a public administrator, there must be a showing either that:

(a) There are persons entitled to share in the estate under the laws of the domicile of the decedent,

(b) That there are creditors of the estate,

(c) Or that there are assets of the estate other than the amount due from the United States.

7. If for any reason, or reasons, the claim is not allowed, the claimant will be advised of the disallowance, and the reasons therefor, by the State office. A copy of such letter will be furnished the county office.

E. CLAIMS BY THE SURVIVING SPOUSE, THE HEIRS AT LAW, OR THE NEXT OF KIN, WITHOUT THE APPOINTMENT OF AN EXECUTOR OR AN ADMINISTRATOR

1. Standard Form No. 1055 must be completely executed, except for paragraph 5 thereof, to show the following facts:

(a) that the decedent died intestate,

(b) the amount due from the United States must not exceed the maximum amount, prescribed by State statute of the domicile of the decedent, for estates upon which administration need not be had.^{3/}

^{3/} See footnote 1.

- (c) Funeral expenses must be paid. An itemized, receipted undertaker's bill must be submitted by the claimant as evidence of such payment. A Waiver of Right to Claim (Form ACP-73) signed by the officiating undertaker may be submitted in lieu of a receipted undertaker's bill.
 - (d) If the funeral expenses of the decedent were paid by someone other than the claimant and out of funds not belonging to the estate of the decedent, there must be furnished a Waiver of Right to Claim (Form ACP-73) signed by the person paying such funeral expenses.
 - (e) The affidavit of two witnesses must be completely executed and the Standard Form No. 1055 properly notarized.
 - (f) Only the amount to which the claimant is entitled under the law will be paid, unless such claimant secures the Waiver of Right to Claim (Form ACP-73), executed by any or all of the persons entitled to share in favor of the claimant. In lieu of such waiver or waivers, there may be submitted the duly executed power of attorney whereby the claimant is authorized to file claim on behalf of another or a properly executed trust agreement whereby the claimant is designated as trustee to receive payment on behalf of the person signing such trust agreement.
- 2. In every case the age of the claimant must be shown on Standard Form No. 1055.4/
 - 3. If a Waiver of Right to Claim (Form ACP-73) is submitted by a person who would otherwise be entitled to share in the payment, such person must be shown to have attained legal age, if the waiver is executed by a person other than a creditor of the estate of the decedent.

4/ It is to be noted that no provision is made on Standard Form No. 1055 for such information. The age of the applicant should appear immediately following the name of the claimant in paragraph 1 of the form.

4. If there are persons who have neither claimed, waived nor delegated their right to claim, the amounts due such persons will not be paid until claim is filed therefor in accordance with the provisions of this SRC-101.
5. If for any reason, or reasons, the claim is not allowed, the claimant will be advised of the disallowance, and the reasons therefor, by the State office. A copy of such letter will be furnished the county office.

F. CLAIMS BY CREDITORS FOR THE PROCEEDS OF CHECKS DRAWN PAYABLE TO DECEASED OR INCOMPETENT PAYEES

1. If Standard Form No. 1055 is submitted by a creditor of the estate of the decedent, there must be furnished a Waiver of Right to Claim (Form ACP-73) from other creditors having the same or greater degree of preference under the laws of the domicile of the decedent, or else a showing that there are no other such creditors.
2. It is not necessary that inquiry be made by the county agent or members of the county committee relative to the number of creditors of a decedent or of the degree of preference accorded such creditors by statute.
3. Any person, whether such person be an heir, the next of kin, or in no way related to the decedent, who has paid a preferred creditor out of funds not belonging to the estate of the decedent is by such payment subrogated to the statutory preference, if any, accorded to such creditor. This provision is particularly important if such person has paid the funeral expenses of the decedent. If a person has paid the funeral expenses of the decedent, his claim should be based upon such payment regardless of his relationship to the decedent. If, after allowance of the preferred claim there remains an amount due the estate, such amount should be claimed in accordance with the provisions contained in paragraphs D and E of this Section VIII.
4. If for any reason, or reasons, the claim is not allowed, the claimant will be advised of the disallowance, and the reasons therefor, by the State office. A copy of such letter will be furnished the county office.

G. CLAIMS BY MINORS OR THE GUARDIANS OR CUSTODIANS OF MINORS

1. If claim is filed by a minor, his guardian or custodian, there must be a showing of one of the following:
 - (a) Letters of Guardianship, certified copies thereof, or a Short Certificate of Letters of Guardianship,
 - (b) an affidavit, by any person having knowledge of the facts, that the minor is competent to receive and handle funds, or
 - (c) that the minor is in the care and custody of the person claiming on behalf of such minor, by use of Standard Form No. 1055. There must appear in sub-paragraph 6(j) of Standard Form No. 1055, or in supporting affidavits a statement of the relationship between the custodian and the minor and the circumstances of the custodianship.
 - (d) If for any reason, or reasons, the claim is not allowed, the claimant will be advised of the disallowance, and the reasons therefor, by the State office. A copy of such letter will be furnished the county office.

SECTION IX - PROCEDURE TO BE FOLLOWED IN THE EVENT OF THE NON-RECEIPT, LOSS OR DESTRUCTION OF A CHECK

A. NOTICE TO DISBURSING OFFICE

1. Whenever any check is lost, stolen, or destroyed, the payee, to protect his interest, should immediately notify the Disbursing Office over his signature and address, giving, if possible,
 - (a) the date the check was drawn,
 - (b) the number of the check,
 - (c) the amount for which the check was drawn, and
 - (d) request that payment be stopped.

B. RECOVERY OF ORIGINAL CHECK

1. If the original check is recovered, the Disbursing Office should be requested by the payee to remove

stoppage thereon and the check should not be negotiated until one week thereafter. In the event that a duplicate check has been issued prior to the recovery of the original check, the original check should be returned to the Disbursing Office.

Note: This procedure is within the exclusive jurisdiction of the Treasury Department and every case thereunder must, without exception, be referred directly to the Disbursing Office.

SECTION X - PROCEDURE TO BE FOLLOWED WHERE CHECK HAS BEEN DELIVERED TO PAYEE IN CONTRAVENTION OF THESE INSTRUCTIONS

A. PRIOR TO NEGOTIATION OF CHECK

1. If, in any of the instances heretofore covered by Sections III, V and VI, the check has been delivered but has not been negotiated:
 - (a) the person in possession of the check should be instructed to return it to the Disbursing Office, and
 - (b) notice of the fact that the holder of the check has been instructed to return it should be forwarded to the State office.
2. The information heretofore prescribed in the instances covered by Sections III, V and VI should accompany the notice to the State office that the holder of the check has been instructed to return it.

B. AFTER NEGOTIATION OF CHECK

1. If, after the happening of any of the contingencies covered by Sections III, V and VI, the check has been delivered and negotiated,
 - (a) a refund in the exact amount of the check in cases under Sections V and VI, and
 - (b) a refund in the amount of the excess payment in cases under Section IIIshould be requested from the payee.

2. Refunds should be in the form of a post office money order or certified check or bank draft or cashier's check made payable to the Treasurer of the United States and should be forwarded to the State office accompanied by a statement, in duplicate, setting forth

- (a) the name of the applicant,
- (b) the application serial number,
- (c) the administrative number of Form ACP-41C, (or ACP-41D, if applicable), and
- (d) any information heretofore prescribed in the instances covered by Sections III, V and VI.

Issued March 22, 1939

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

COUNTY OFFICE PROCEDURE FOR THE DISPOSITION OF UNDELIVERED OR
LOST CHECKS AND THE PRESENTATION OF ADJUSTMENT APPLICATIONS PER-
TAINING TO PAYMENTS UNDER THE 1937 AGRICULTURAL CONSERVATION
PROGRAM.

Paragraph 1, subsection E. Section VIII of SRC-101, as amended, is further amended to read as follows:

"1. Standard Form No. 1055 must be completely executed except for paragraph 5 thereof, and it must appear that the decedent died intestate, and that the amount due from the United States does not exceed the maximum amount for estates upon which administration need not be had. 2/

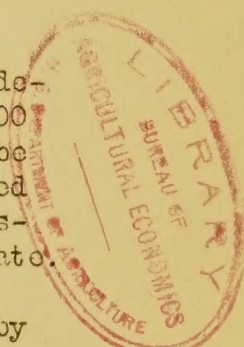
(a) Funeral expenses of the decedent must have been paid. An itemized, receipted undertaker's bill or an executed Form ACP-73, whereby the undertaker waives his preference, must be attached to Standard Form No. 1055.

(b) If the amount of the estate of the decedent is in excess of the sum of \$100.00 (\$300.00 in Arkansas, \$1,000.00 in Alabama), there must be shown on Standard Form No. 1055 or on an attached statement that there are no debts owed by the estate, or a listing of all debts owed by the estate.

(c) If claim is filed by a creditor or by any person who has paid a creditor and who submits his claim on the basis of having paid such creditor, a statement signed by a member of the family of the decedent, who has knowledge of the family affairs, to the effect that there are no other creditors of an equal or greater degree of preference, must be attached to Standard Form No. 1055.

(d) In lieu of the statement described in subparagraph (c) above there may be submitted by a member of the family of the decedent having knowledge of the family affairs a statement listing all debts owed by the estate.

(e) The affidavit of two witnesses must be completely executed and the Standard Form No. 1055 properly notarized.



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(f) If the amount due the estate of the decedent is in excess of the sum of \$100.00, (except for widow's exemptions of \$300.00 in Arkansas, \$1,000.00 in Alabama) only the amount to which the claimant is entitled under the law will be paid unless there is submitted a duly executed power of attorney whereby the claimant is authorized to file claim on behalf of another, or a properly executed trust agreement, whereby the claimant is designated as trustee to file claim for and receive payment on behalf of the persons executing such trust agreement. However, amounts due the minor heirs of the decedent may be paid to the widow or widower of the decedent or to the guardian or custodian of such minor heirs."